

REMARKS

Upon entry of the foregoing Amendment, claims 1-27 are pending in the present application. Claims 1-27 are currently amended. No claims are added or cancelled. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

Rejections Under 35 U.S.C. § 103 Based on Scarpelli

The Examiner has rejected claims 1, 4-9, 12-17, and 20-25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,816,898 to Scarpelli *et al.* ("Scarpelli") in view of Official Notice. Applicants disagree with this rejection for *at least* the reason that Scarpelli and the facts Officially Noticed by the Examiner fail to teach or suggest all of the features of the claimed invention. However, in an effort to expedite prosecution, Applicants have amended the claims to further clarify various aspects of the claimed invention.

For example, claim 1 as amended, includes the feature of, "selecting one of a plurality of agent templates based on one or more of the characteristics of the selected network device, the agent template comprising a hierarchy of object classes, wherein each object class corresponds to a possible combination of the characteristics of the selected network device." Claims 9, 17, and 25 include similar features, among others. Scarpelli does not teach or suggest at least this feature of the claimed invention.

The Examiner alleges that Scarpelli teaches selecting an agent template at column 7, lines 14-27. The cited portion of Scarpelli states:

Referring to FIG. 3, a user provides at least one script-based program to the meta API 130. In one embodiment, the user provides the script-based program by copying the script into a directory server on a sever [sic] used by the network managing system (e.g., network monitor 150). In one embodiment, the script can be in any shell scrip language, PERL, or any similar program language. Alternatively, an executable of the script-based program could be used.

The user may also provide information 120 to the meta API. Information 120 may comprise poling [sic] rate, IP address, names and types, and units of input and output variables. In other words, information

120 comprise user defined customized data types. Such data types are used by the script-based program.

At best, this passage apparently describes a script that is provided to a meta API. However, neither the script nor the meta API appear to include a hierarchy of object classes that correspond to possible combinations of the characteristics of the selected network device. For *at least* this reason, the rejection of claims 1, 9, 17, and 25 is improper and must be withdrawn.

Claims 4-8, 12-16, and 20-24 depend from and add features to corresponding ones of claims 1, 9, and 17. Thus the rejection of these claims are also improper for the reasons set forth above.

Rejections Under 35 U.S.C. § 103 Based on Scarpelli and Gundavelli

The Examiner has rejected claims 2, 3, 10, 11, 18, and 19 as allegedly being unpatentable over Scarpelli in view of the facts Officially Noticed by the Examiner, and in further view of U.S. Patent No. 6,795,403 to Gundavelli (hereinafter "Gundavelli"). Applicants traverse this rejection for *at least* the reason that Scarpelli and Gundavelli fail to teach or suggest all of the features of the claimed invention.

Gundavelli fails to address the deficiencies of Scarpelli as set forth above. Therefore, for at least the reasons previously provided, the rejection of these claims is improper and must be withdrawn.

Claims 26 and 27

In the Response filed by Applicants on September 13, 2005, claims 26 and 27 were added. In the 11/25/2005 Office Action, the Examiner improperly failed to address these claims. Applicants request that these claims be examined on their merits with the rest of the pending claims, and note that any rejection of these claims may not be made final, as they have not been previously rejected.


CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,



Rick A. Toering
Reg. No. 43,195

Customer No. 00909

PILLSBURY WINTHROP
SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Direct Dial: 703-770-7620
Fax: 703-770-7901